

REMARKS

Applicants acknowledge receipt of an Office Action dated August 2, 2007. In this response, Applicants have amended claims 13 and 18. Support for these amendments may be found, *inter alia*, in Applicants originally filed Specification and Drawings. Following entry of these amendments, claims 2-13 and 18 are pending in the application.

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Amendment to Claim 18

On page 2 of the Office Action, the PTO noted that the previously submitted amendment to claim 18 “is not entirely proper.” In this response, Applicants have amended claim 18 to clearly show the deletion of the term “adjacent” which appeared before the phrase “battery packs.”

Rejection Under 35 U.S.C. § 103

On pages 5-9 of the Office Action, the PTO has issued a number of rejections under 35 U.S.C. § 103 which Applicants have summarized for reference:

- On page 3 of the Office Action, the PTO has rejected claims 3, 4, 6, 9-11, 13, and 18 under 35 U.S.C. § 103(a) as allegedly being unpatentable over EP 1160895 to Hanafusa *et al.* (hereafter “Hanafusa”) in view of JP 2001-256934 to Osaka Gas (hereafter “JP ‘934”).
- On page 4 of the Office Action, the PTO has rejected claim 2 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hanafusa in view of Osaka and further in view of JP 2001-114157 to Takahashi *et al* (hereafter “Takahashi”).
- On page 5 of the Office Action, the PTO has also rejected claim 5 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hanafusa in view of Osaka and further in view of U.S. Patent 6,821,671 to Hinton *et al* (hereafter “Hinton”).
- On page 5 of the Office Action, the PTO has also rejected claim 7 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hanafusa in view of

Osaka and further in view of U.S. Patent 5,688,615 to Mrotek *et al.* hereafter “Mrotek”).

- On page 6 of the Office Action, the PTO has also rejected claim 8 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hanafusa in view of Osaka and further in view of U.S. Patent 6,517,966 to Marukawa (hereafter “Marukawa”).
- On page 7 of the Office Action, the PTO has also rejected claim 12 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hanafusa in view of Osaka and further in view of U.S. Patent 5,879,831 to Ovshinsky *et al.* (hereafter “Ovshinsky”).

Applicants respectfully traverse these rejections for the reasons set forth in their previously filed responses and forth the additional reasons set forth below.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, prior art references must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants’ disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Here, Hanafusa and JP ‘934, whether taken individually or in combination, fail to teach or suggest a “a first electrode tab extending out from a first packing case of the first battery pack and a second electrode tab extending out from a second packing case of the second battery pack are connected to each other” as recited in independent claim 13.

Hanafusa clearly does not disclose a plurality of battery packs. The PTO acknowledges this deficiency on page 4 of the Office Action and attempts to resolve this deficiency by relying on JP ‘934. Figure 1 of JP ‘934 shows a battery module case 1, a unit cell 2, striated guides 3, and a flange 4 on a unit cell 2. While JP ‘934 may show a plurality of unit cells 2 in figures 7 and 8, JP ‘934 clearly does not teach or suggest “a plurality of battery packs”, “a first electrode tab. . . and a second electrode tab. . . connected to each

other.” Thus, the basic combination of Hanafusa and JP ‘934 is improper and ought to be withdrawn.

The references cited with respect to the rejections of the various dependent claims add nothing to resolve the deficiencies in the basic combination of Hanafusa and JP ‘934.

If an independent claim is nonobvious under § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). See MPEP 2143.03. Thus, Applicants submit that claims 2-12 and 18, each of which ultimately depends from independent claim 13, are also non-obvious at least by virtue of their dependency from claim 13.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections under § 103.

CONCLUSION


Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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